IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 01.12.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal No.254 of 2002
& WAMP No.423 of 2002

M.Mahendran ... Appellant

Vs.

1.The Chairman-cum-Managing
Director, Indian Overseas Bank,
Central office, 762, Anna Salai,
Chennai-2.

2.The General Manager(Personnel),
Personnel Administration Department,
Indian Overseas Bank,
762, Anna Salai,
Chennai-2.

3.The Regional Manager,
Indian Overseas Bank,
Regional Office,
Sheikpet Nadu Street,
Kancheepuram.

4.The Branch Manager,
Indian Overseas Bank,
Madurantakam-603 306,
Kancheepuram District. ... Respondents

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Writ appeal filed under Clause 15 of the Letters Patent Act against the order dated 04.10.2001 made in W.M.P.No.3733 of 2001 in W.P.No.2726 of 2001 praying to issue a Writ of Mandamus directing the respondents herein to forbear from levying and recovering the Commercial Rate of interst for the Petitioner's Staff Housing Loan sanctioned in F.No.29/88 dated 23.07.80 or recovring overdue interst on his Agricultural Loan Sanctioned in No.71/124 dated 11.06.81 which is thoroughly unjust, arbitrary and after thought and against the interst of the petitioner.

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For Appellant : No appearance
For respondents : Mrs.Rita Chendrasekaran for
M/s Aiyar & Dolia

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order dated 04.10.2001 made in W.M.P.No.3733 of 2001 in W.P.No.2726 of 2001, in and by which, the learned single Judge, relying on Clause 12 of the relieving order, vacated the injunction granted earlier and also dismissed the direction petition filed by the petitioner.

2. Heard the learned counsel appearing for the respondents.

3. The learned counsel appearing for the respondents has brought to our notice that as per Clause 11 of the voluntary retirement acceptance letter dated 29.01.2001, the petitioner/appellant was relieved from service on 31.01.2001 and as per Clause 12 of the very same acceptance letter, it was made clear that the acceptance was subject to closure of Staff Housing Loan availed by him with commercial rate of interest and recovery of crop loan with OD interest. It is also brought to our notice that the petitioner sent a reply dated 31.01.2001 for the voluntary retirement acceptance letter dated 29.01.2001 and got himself relieved from the employment of the respondents-Bank on the date specified in the said communication.

4. In view of the same and in the light of the undertaking given by the petitioner, the respondents cannot be faulted with for their action. We are in agreement with the conclusion arrived at by the learned single Judge. Consequently, the writ appeal fails and the same is dismissed. No costs. WAMP No.423 of 2002 is also dismissed,

5. Inasmuch as the writ petition is of the year 2001, the Registry is directed to post the main writ petition before the concerned Judge dealing with the subject on 11.12.2006.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

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Director, Indian Overseas Bank,
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1 cc To M/S.Aiyar & Dolia, Advocate, SR.59204.

W.A.No.254 of 2002

RNA(CO)
RVL 12.12.2006

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